



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक ३५]

गुरुवार, ऑगस्ट २२, २०१९/श्रावण ३१, शके १९४१

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असाधारण क्रमांक ८०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations Temporary Postponement of Elections (of the Mayors and Deputy Mayors of Certain Municipal Corporations due to ensuing general elections to the Maharashtra Legislative Assembly) Ordinance, 2019 (Mah. Ord. XIX of 2019), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,

Secretary (Legislation) to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Municipal Corporations Temporary Postponement of Elections (of the Mayors and Deputy Mayors of Certain Municipal Corporations due to ensuing general elections to the Maharashtra Legislative Assembly) Ordinance, 2019 (Mah. Ord. XIX of 2019), published under the authority of the Governor].

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Madam Cama Marg,

Hutatma Rajguru Chowk, Mumbai 400 032,

dated the 22nd August 2019.

MAHARASHTRA ORDINANCE No. XIX OF 2019.

AN ORDINANCE

to provide for temporary postponement of elections of the Mayor and Deputy Mayor of certain Municipal Corporations on account of ensuing general elections to the Maharashtra Legislative Assembly.

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for temporary postponement of elections of the Mayor and Deputy Mayor of certain Municipal Corporations on account of ensuing general elections to the Maharashtra Legislative Assembly and for matters connected therewith or incidental thereto ;

(१)

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title and commencement.

1. (1) This Ordinance may be called the Maharashtra Municipal Corporations Temporary Postponement of Elections (of the Mayors and Deputy Mayors of certain Municipal Corporations due to ensuing general elections to the Maharashtra Legislative Assembly) Ordinance, 2019.

(2) It shall come into force at once.

(3) It shall remain in force for a period of three months from the date of commencement of this Ordinance or such earlier date as may be notified by the State Government by issuing a notification in the *Official Gazette*; and shall then expire. Section 7 of the Maharashtra General Clauses Act, shall apply upon the expiry of this Act, as if it had been repealed by a Maharashtra Act.

I of
1904.

Definitions.

2. In this Ordinance, unless the context otherwise requires,—

(a) “Municipal Corporation” means a Municipal Corporation constituted under the Mumbai Municipal Corporation Act, or the Maharashtra Municipal Corporations Act ;

III of 1888.
LIX of
1949.

(b) “relevant Act”, in relation to a Municipal Corporation, means the relevant Act referred to in clause (a) above ;

(c) words and expressions used in this Ordinance and not defined herein shall, have the same meanings as assigned to them in the relevant Act.

Postponement of elections of Mayors and Deputy Mayors and Extension of term of their office.

3. (1) Notwithstanding anything contained in the relevant Act or the rules made thereunder or in any judgement, decree or order of any Court,—

(a) no election to the office of the Mayor and Deputy Mayor of a Municipal Corporation shall be held for a period of three months from the date of coming into force of this Ordinance or such earlier date as may be notified by the State Government by issuing a notification under sub-section (3) of section 1 (hereinafter, in this Ordinance, referred to as “ the said period ”) ;

(b) the term of offices of the Mayor and Deputy Mayor to be elected after the said period shall be co-terminus with the term of the elected Councillors.

(2) Notwithstanding anything contained in sub-section (1), after the term of offices of the Mayor and Deputy Mayor, as extended by this Ordinance expires, they shall continue to hold office until the new Mayor or Deputy Mayor, as the case may be, have been elected under the relevant Act.

Powers of Mayor and Deputy Mayor whose term of office stands extended and validation of certain acts.

4. All the Mayors and Deputy Mayors, whose term of office is deemed to have been extended or is extended, as the case may be, under section 3, shall, throughout such extended period, be deemed to have been and be competent to exercise all the powers, perform all the duties and discharge all the functions as such Mayor or Deputy Mayor, as the case may be; and no act done by any of them during the said period shall be invalid, or shall be called in question in any Court, merely on the ground that during the extended period such Mayor or Deputy Mayor, as the case may be, could not exercise all or any of the powers or perform all or any of the duties or discharge all or any of the functions of the Mayor or Deputy Mayor, as the case may be, under the relevant Act.

Arrangements to hold elections of the Mayors and Deputy Mayors.

5. Notwithstanding anything contained in this Ordinance, arrangements shall be made by the concerned officers to hold the elections of the Mayor and Deputy Mayor, in accordance with the provisions of the relevant Act and the rules made thereunder, before, or as soon as possible, after the expiration of the term of office of the existing Mayor and Deputy Mayor, which stands extended by this Ordinance.

6. If any difficulty arises in giving effect to the provisions of this Ordinance or by reason of anything contained therein, or in giving effect to the provisions of the relevant Act in respect of any matter contained in this Ordinance, the State Government may, as occasion arises, by order, published in the *Official Gazette*, do anything which appears to it to be necessary for the purpose of removing the difficulty. Removal of difficulty.

7. Nothing in this Ordinance shall apply to the election of the Mayor or Deputy Mayor of a Municipal Corporation, which is to be held immediately after general election to such Municipal Corporation, during the period of duration of this Ordinance, referred to in sub-section (3) of section 1. Savings.

STATEMENT

As per the existing provisions of the Municipal Laws in the State, the tenure of offices of the Mayor and Deputy Mayor of the Municipal Corporations, is two and half years. In some of the Municipal Corporations, the term of offices of the Mayor and Deputy Mayor is due to expire in the months of September or October 2019.

2. The general elections to the State Legislative Assembly are likely to be held in the month of October 2019. Officers and staff of the Municipal Corporations as well as the police personnel in the Districts are busy with the preparation for the said general elections and are likely to be totally occupied with the pre and post election duties. To rule out any possible overlapping of the said elections and any possible undue pressure on civil and police administration and any law and order problem or any inconvenience to citizens, it is considered expedient to temporarily postpone the elections of the Mayors and Deputy Mayors of certain Municipal Corporations, for a period of three months.

3. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to make such provisions by law, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
dated the 22nd August 2019.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

MANISHA PATANKAR-MHAISKAR,
Principal Secretary to Government.